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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/927,178	08/08/2001	Yuji Suzuki	81800.0163	4669
26021	7590	07/15/2005	EXAMINER	
HOGAN & HARTSON L.L.P. 500 S. GRAND AVENUE SUITE 1900 LOS ANGELES, CA 90071-2611			BAKER, CHARLOTTE M	
			ART UNIT	PAPER NUMBER
			2626	

DATE MAILED: 07/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/927,178

Applicant(s)

SUZUKI, YUJI

Examiner

Charlotte M. Baker

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Amendment filed on 04/14/2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 08/02/2004.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-6, 8, 10-13, and 15-17 are rejected under 35 U.S.C. 102(b) as being anticipated by Fukuda (JP401318456A).

Regarding claim 1: Fukuda discloses a network control unit (Fig. 2, net control element 233) for closing and releasing a circuit; a memory for registering a communication job (Fig. 2, communications information storage element 243); a recording unit (Fig. 2, recording element 215) for recording image data on a recording medium; and a control unit (Fig. 2, circuit control element 231) which closes the circuit by the network control unit (Fig. 2, net control element 233) to make acceptance of an incoming call impossible when the recording unit fails to operate (p. 8, full par. 4 and 5), and which releases the circuit temporarily by the network control unit in the case of calling (p. 9, first par.).

Regarding claim 2: Fukuda satisfies all the elements of claim 1. Fukuda further discloses an image memory, wherein the control unit (Fig. 2, circuit control element 231) makes acceptance of the incoming call impossible when the recording unit (50) (Fig. 2, recording element 215) fails to operate and the image memory cannot store an image (p. 8, 2nd full par. and p. 10, par. 5).

Regarding claim 3: Fukuda satisfies all the elements of claim 1. Fukuda further discloses wherein after the control unit (Fig. 2, circuit control element 231) makes the network control unit

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(Fig. 2, net control element 233) release the circuit temporarily (p. 8, last par), the control unit (Fig. 2, circuit control element 231) makes the network control unit (Fig. 2, net control element 233) close the circuit again when the incoming call is detected (p. 8, last par., Examiner is interpreting that this process is repeated until an alarm state is not detected because receipt of data is impossible during this state).

Regarding claim 4: Fukuda satisfies all the elements of claim 1. Fukuda further discloses wherein the control unit (Fig. 2, circuit control element 231) makes the network control unit (110) (Fig. 2, net control element 233) close the circuit again when the calling signal based on the incoming call ends in the case the incoming call is detected after the control unit (10) (Fig. 2, circuit control element 231) makes the network control unit (Fig. 2, net control element 233) release the circuit temporarily (p. 8, last par), and then a call to the other end is originated (p. 9, 2nd and 5th par.).

Regarding claim 5: Fukuda satisfies all the elements of claim 1. Fukuda further discloses wherein after the control unit (Fig. 2, circuit control element 231) makes the network control unit (Fig. 2, net control element 233) release the circuit temporarily (p. 8, last par), the control unit (Fig. 2, circuit control element 231) makes the network control unit (Fig. 2, net control element 233) close the circuit again when the incoming call is detected (p. 8, last par., Examiner is interpreting that this process is repeated until an alarm state is not detected because receipt of data is impossible during this state), and makes the network control unit (Fig. 2, net control element 233) release the circuit when a CNG signal is received (called station identification (CED) signal, p. 9, last par.).

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Regarding claim 6: Fukuda satisfies all the elements of claim 1. Fukuda further discloses wherein the control unit (Fig. 2, circuit control element 231) releases the circuit temporarily (p. 8, last par) so that transmission can be carried out (p. 9, 1st par.).

Regarding claim 8: Fukuda satisfies all the elements of claim 6. Fukuda further discloses a transmission result memory (Fig. 2, communications information storage element 243), wherein the control unit (Fig. 2, circuit control element 231) makes the transmission result memory (Fig. 2, communications information storage element 243) store the result information of the transmission therein (p. 7, 2nd par.).

Regarding claim 10: Fukuda satisfies all the elements of claim 1. Fukuda further discloses wherein it is impossible to register a receiving job in the memory (Fig. 2, communications information storage element 243) when the communication terminal (facsimile device) is in the state in which the communication terminal cannot receive data from a sending side (Fukuda teaches that in the event of not being able to receive data, the information is transferred to an available facsimile device; therefore, it is inherent that the receiving job is not registered in the memory of the failed device).

Regarding claim 11: Fukuda discloses a network control unit (Fig. 2, net control element 233) for closing and releasing a circuit; a program memory (Fig. 2, communications information storage element 243) for registering a communication job; a recording unit (Fig. 2, recording element 215) for recording image data on a recording medium; and a control unit (Fig. 2, circuit control element 231) which closes a circuit by the network control unit (Fig. 2, net control element 233) so that an incoming call is not accepted when the recording unit (Fig. 2, recording element 215) fails to operate (p. 8, full par. 4 and 5), and releases the circuit temporarily by the

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network control unit (Fig. 2, net control element 233) when the communication job registered in the program memory (Fig. 2, communications information storage element 243) reaches calling time (Examiner is interpreting calling time to be the point at which a call is outgoing although incoming calls are not accepted) (p. 9, first par.).

Regarding claim 12: Fukuda satisfies all the elements of claim 11. Fukuda further discloses wherein the control unit (Fig. 2, circuit control element 231) causes a call to the other end for transmitting an image after the control unit (Fig. 2, circuit control element 231) makes the network control unit (Fig. 2, net control element 233) release the circuit temporarily (p. 8, last par and p. 9, 1st par.).

Regarding claim 13: Fukuda satisfies all the elements of claim 11. Fukuda further discloses wherein the control unit (Fig. 2, circuit control element 231) registers a transmission job (transmission operation) in the program memory (Fig. 2, communications information storage element 243) and does not register a receiving job in the program memory (Fig. 2, communications information storage element 243) (It is an inherent feature of the communications information storage element 243 to store communication information. Since the data cannot be received, but is forwarded to an operable facsimile device, the transmission job would be stored and the receiving job would not).

Regarding claim 15: Arguments analogous to those stated in the rejection of claim 2 are applicable.

Regarding claim 16: Fukuda satisfies all the elements of claim 11. Fukuda further discloses

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an image memory for storing an image corresponding to the transmission job therein, wherein the control unit (Fig. 2, circuit control element 231) makes acceptance of the incoming call impossible when the recording unit fails to operate (p. 8, 2nd full par. and p. 10, par. 5).

Regarding claim 17: Fukuda satisfies all the elements of claim 11. Fukuda further discloses wherein the recording unit (Fig. 2, recording element 215) becomes non-operable when recording paper or a toner runs out (p. 8, 2nd par.).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 7, 9, 14, 19, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fukuda in view of Hirata (4,920,427).

Regarding claim 7: Fukuda satisfies all the elements of claim 6.

Fukuda fails to specifically address a display unit.

Hirata discloses a display unit (Fig. 1, display unit 25) for displaying result information of the transmission (col. 4, ln. 7-23 and col. 8, ln. 64-68 through ln. 1-14 and col. 10, ln. 9-19).

It would have been obvious to a person of ordinary skill in the art at the time of the invention to include the display unit of Hirata at the operation panel of Fukuda to provide visual indication of communication and device failures.

Regarding claim 9: Fukuda satisfies all the elements of claim 8. Fukuda further discloses wherein the control unit (Fig. 2, circuit control element 231) reads the result information of the

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transmission from the transmission result memory (Fig. 2, communications information storage element 243).

Fukuda fails to specifically address the recording unit as claimed.

Hirata discloses and makes the recording unit record the result information of the transmission when the recording unit becomes operable (col. 4, ln. 39-47 and Abstract).

It would have been obvious to a person of ordinary skill in the art at the time of the invention to include the suggestion of recording transmission results when the recording unit becomes operable to provide proof of a successful transmission.

Regarding claim 14: Fukuda satisfies all the elements of claim 11. Fukuda further discloses wherein the control unit (Fig. 2, circuit control element 231) makes the program memory (Fig. 2, communications information storage element 243) register a transmission job and a receiving job therein.

Fukuda fails to specifically address carrying out the receiving job when the recording unit becomes operable.

Hirata discloses the receiving job to be carried out when the recording unit becomes operable (col. 4, ln. 39-47 and Abstract).

It would have been obvious to a person of ordinary skill in the art at the time of the invention to include the suggestion of carrying out the receiving job when the recording unit becomes operable to insure incoming data is not lost.

Regarding claim 19: Fukuda satisfies all the elements of claim 11. wherein when the communication job registered in the program memory (Fig. 2, communications information storage element 243) is a receiving job (communications information storage element 243 stores

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communication information; therefore it is implied that it could be a receiving or transmitting job), the registered job which has reached calling time (p. 9, first par.).

Fukuda fails to specifically address carrying out an operation after the malfunction of the recording unit is solved.

Hirata discloses is carried out after the cause for the malfunction of the recording unit is solved (col. 4, ln. 39-47 and Abstract).

It would have been obvious to a person of ordinary skill in the art at the time of the invention to include the suggestion of carrying out an operation when the recording unit becomes operable to insure data is not lost.

Regarding claim 21: Fukuda satisfies all the elements of claim 11. Arguments analogous to those stated in the rejection of claim 7 are applicable.

5. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fukuda in view of Kawai et al. (5,778,279).

Regarding claim 18: Fukuda satisfies all the elements of claim 11. Fukuda further discloses it is judged whether or not the recording unit is non-operable (p. 8, 2nd full par.).

Fukuda fails to specifically address rotation time of the photoconductive drum.

Kawai et al. disclose on the basis of the rotating time of the photoconductive drum (col. 6, ln. 39-56).

It would have been obvious to a person of ordinary skill in the art at the time of the invention to include a program counter to keep track of rotating time of the photoconductive drum. This addition to Fukuda would allow the operating time of the photoconductive drum to become another factor in determining that the recording unit is not operable.

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6. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fukuda in view of Matsuda et al. (6,055,067).

Regarding claim 20: Fukuda satisfies all the elements of claim 11. Fukuda further discloses wherein when the communication job registered in the program memory (Fig. 2, communications information storage element 243) is a transmission job (communications information storage element 243 stores communication information; therefore it is implied that it could be a receiving or transmitting job) and the transmission job has been carried out without a problem (the receive side does not have a failure at the recording element 215).

Fukuda fails to specifically address a receipt certificate.

Matsuda et al. disclose the communication terminal receives a receipt certificate from the receiving side (message confirmation signal (MCF), col. 15, ln. 54-60 and col. 16, ln. 6-10).

It would have been obvious to a person of ordinary skill in the art at the time of the invention to include a message confirmation signal (MCF) suggested by Matsuda et al. to insure proper communication between devices has occurred.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charlotte M. Baker whose telephone number is (571)272-7459.

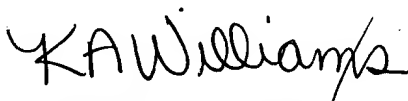
The examiner can normally be reached on Monday-Friday 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kimberly A. Williams can be reached on (571)272-7471. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


CMB


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SUPERVISORY PATENT EXAMINER